

17-41-101 (Effective 01/01/15). Definitions.

As used in this chapter:

- (1) "Advisory board" means:
 - (a) for an agriculture protection area, the agriculture protection area advisory board created as provided in Section 17-41-201; and
 - (b) for an industrial protection area, the industrial protection area advisory board created as provided in Section 17-41-201.
- (2) (a) "Agriculture production" means production for commercial purposes of crops, livestock, and livestock products.
 - (b) "Agriculture production" includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.
- (3) "Agriculture protection area" means a geographic area created under the authority of this chapter that is granted the specific legal protections contained in this chapter.
- (4) "Applicable legislative body" means:
 - (a) with respect to a proposed agriculture protection area or industrial protection area:
 - (i) the legislative body of the county in which the land proposed to be included in an agriculture protection area or industrial protection area is located, if the land is within the unincorporated part of the county; or
 - (ii) the legislative body of the city or town in which the land proposed to be included in an agriculture protection area or industrial protection area is located; and
 - (b) with respect to an existing agriculture protection area or industrial protection area:
 - (i) the legislative body of the county in which the agriculture protection area or industrial protection area is located, if the agriculture protection area or industrial protection area is within the unincorporated part of the county; or
 - (ii) the legislative body of the city or town in which the agriculture protection area or industrial protection area is located.
- (5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.
- (6) "Crops, livestock, and livestock products" includes:
 - (a) land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
 - (i) forages and sod crops;
 - (ii) grains and feed crops;
 - (iii) livestock as defined in Section 59-2-102;
 - (iv) trees and fruits; or
 - (v) vegetables, nursery, floral, and ornamental stock; or
 - (b) land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.
- (7) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.
- (8) "Industrial protection area" means a geographic area created under the authority of this chapter that is granted the specific legal protections contained in this

chapter.

(9) "Mine operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that, as of January 1, 2009:

(a) owns, controls, or manages a mining use under a large mine permit issued by the division or the board; and

(b) has produced commercial quantities of a mineral deposit from the mining use.

(10) "Mineral deposit" has the same meaning as defined in Section 40-8-4, but excludes:

(a) building stone, decorative rock, and landscaping rock; and

(b) consolidated rock that:

(i) is not associated with another deposit of minerals;

(ii) is or may be extracted from land; and

(iii) is put to uses similar to the uses of sand, gravel, and other aggregates.

(11) "Mining protection area" means land where a vested mining use occurs, including each surface or subsurface land or mineral estate that a mine operator with a vested mining use owns or controls.

(12) "Mining use":

(a) means:

(i) the full range of activities, from prospecting and exploration to reclamation and closure, associated with the exploitation of a mineral deposit; and

(ii) the use of the surface and subsurface and groundwater and surface water of an area in connection with the activities described in Subsection (12)(a)(i) that have been, are being, or will be conducted; and

(b) includes, whether conducted on-site or off-site:

(i) any sampling, staking, surveying, exploration, or development activity;

(ii) any drilling, blasting, excavating, or tunneling;

(iii) the removal, transport, treatment, deposition, and reclamation of overburden, development rock, tailings, and other waste material;

(iv) any removal, transportation, extraction, beneficiation, or processing of ore;

(v) any smelting, refining, autoclaving, or other primary or secondary processing operation;

(vi) the recovery of any mineral left in residue from a previous extraction or processing operation;

(vii) a mining activity that is identified in a work plan or permitting document;

(viii) the use, operation, maintenance, repair, replacement, or alteration of a building, structure, facility, equipment, machine, tool, or other material or property that results from or is used in a surface or subsurface mining operation or activity;

(ix) any accessory, incidental, or ancillary activity or use, both active and passive, including a utility, private way or road, pipeline, land excavation, working, embankment, pond, gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use area, buffer zone, and power production facility;

(x) the construction of a storage, factory, processing, or maintenance facility; and

- (xi) any activity described in Subsection 40-8-4(14)(a).
- (13) (a) "Municipal" means of or relating to a city or town.
- (b) "Municipality" means a city or town.
- (14) "New land" means surface or subsurface land or mineral estate that a mine operator gains ownership or control of, whether or not that land or mineral estate is included in the mine operator's large mine permit.
- (15) "Off-site" has the same meaning as provided in Section 40-8-4.
- (16) "On-site" has the same meaning as provided in Section 40-8-4.
- (17) "Planning commission" means:
 - (a) a countywide planning commission if the land proposed to be included in the agriculture protection area or industrial protection area is within the unincorporated part of the county and not within a township;
 - (b) a township planning commission if the land proposed to be included in the agriculture protection area or industrial protection area is within a township; or
 - (c) a planning commission of a city or town if the land proposed to be included in the agriculture protection area or industrial protection area is within a city or town.
- (18) "Political subdivision" means a county, city, town, school district, local district, or special service district.
- (19) "Proposal sponsors" means the owners of land in agricultural production or industrial use who are sponsoring the proposal for creating an agriculture protection area or industrial protection area, respectively.
- (20) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- (21) "Unincorporated" means not within a city or town.
- (22) "Vested mining use" means a mining use:
 - (a) by a mine operator; and
 - (b) that existed or was conducted or otherwise engaged in before a political subdivision prohibits, restricts, or otherwise limits a mining use.

Amended by Chapter 65, 2014 General Session